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 NAPA POLICE DEPARTMENT

IN THE UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

ROBERT JONES,	)	Case No. C07-3054 JSW
)	
Plaintiff,	)	REPLY MEMORANDUM OF POINTS AND
	)	AUTHORITIES IN SUPPORT OF
vs.	)	CITY OF NAPA AND NAPA POLICE
	)	DEPARTMENT'S MOTION TO DISMISS
NAPA POLICE DEPARTMENT; COUNTY OF	)	AND TO STRIKE TO COMPLAINT
NAPA; CITY OF NAPA; MICHELLE JONES;	)	(FRCP RULES 12(b)(6), 12(f)(2))
THOMAS TOLER, dba Toler Bail Bonds; JOSE)	
ROSSI; and DOES 1-100, Individually and as	)	DATE: September 12, 2008
employees or Agents of THE CITY or County OF	)	TIME: 9:00 a.m.
NAPA,	)	CRTRM: 2, 17th Floor
)	
Defendants.	)	The Honorable Jeffrey S. White

Plaintiff Robert Jones has filed a single opposition in the face of separate motions to dismiss by (1) the City of Napa and its wrongfully sued Napa Police Department ("City Defendants") and (2) County of Napa and Defendant Jose Rossi ("County Defendants").

Plaintiff's opposition does not reference any aspect of City Defendants' motion. Rather, his arguments are directed entirely at County Defendants' motion. The City's motion asserts that each of Plaintiff's claims fail due to (1) the Supreme Court doctrine contained in *Heck v. Humphrey*; (2) Plaintiff's total failure to allege any facts supporting a claim of unlawful search; (3) the lack of any viable *Monell* liability allegations; (4) the six month statute of limitations set forth at California Government Code Section 911.2(a); (5) the fact that most of Plaintiff's causes of action are not "fairly

1 reflected” in the claim he filed with the City of Napa; and (6) the unavailability of punitive damages
2 against a public agency.

3 Not a single one of City Defendants’ positions is mentioned, let alone confronted, in Plaintiff’s
4 opposition, which is focused on (1) tolling of a two year statute of limitations not asserted by City
5 Defendants; (2) whether Defendant Rossi, a then County Deputy District Attorney, was acting in the
6 course and scope of his duties; and (3) County Defendants’ claims that the Complaint is vague and lacks
7 certainty.

8 City Defendants’ motion establishes that none of Plaintiff’s claims are viable. All of Plaintiff’s
9 claims against the City of Napa and its wrongfully sued Napa Police Department should be dismissed,
10 and judgment should be entered in their favor.

11
12 CITY OF NAPA

13
14 August 20, 2008

15 By: /s/
16 DAVID C. JONES, Deputy City Attorney
17 Attorney for Defendant CITY OF NAPA
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